

**REMARKS****Disclosure Amendments**

Paragraph 63 has been amended to add a reference numeral for the wicket pins shown in Figure 3.

Paragraph 67 has been amended to replace item 70a with reference numeral 84 to avoid confusion with later used reference numerals.

**Drawing Amendments**

The drawings were objected to under 37 CFR 1.83(a) as failing to show various items described and allotted reference numerals in the specification. Upon review, applicants note that these items were shown but erroneously not identified in Figure 3, as filed. Thus, a substitute sheet for Figure 3 is enclosed showing these reference numerals therein.

**Claim Amendments**

Claims 1 to 22 remain in the application and new claims 24 to 27 have been added.

**35 USC 112, first paragraph**

Claims 2 to 4 were rejected for failing to comply with the enablement requirement, the Examiner arguing that a method to convert a bag packaging machine from a wicketed configuration to a non-wicketed configuration was not shown or described. It is noted that the wicket mounting pin frame, the wicket pins and the positioning screw were shown in Figure 3, as filed, and with the above-noted amendment to Figure 3, now are more clearly identified therein.

With respect to claim 2, the disclosure of Figure 3, as filed, clearly teaches, by illustration, the skilled person how to mount the bag presenter relative to the filling chute of a wicketed bag-packaging machine.

With respect to claim 3, it is submitted that one skilled in the art would know how to move the wicket pins and mounting frame relative to the filling chute of a packaging machine as this is a very common procedure used to adjust the wicket pin location relative to other packaging mechanisms such as sealers to adjust for various bag sizes and product bulk density variations, especially when presented with the drawing of Figure 3 which clearly shows a wicketed bag-packaging machine with one embodiment of a bag presenter of the present invention positioned below the filling chute with the wicket pins moved out of the way.

Claim 4 has been amended to reference other structures of a bag presenter according to the present invention to thereby further clarify its meaning. A wicketed bag mounting configuration is well known in the art, as shown by US Patents 5,442,898 of Gabree et al. and US Patents 4,253,292 of Lipes, as cited by the Examiner, and was disclosed in the application at paragraph 4, as filed.

In view of the foregoing, the Examiner is requested to withdraw the rejection to claims 2 to 4 under 35 USC 112, first paragraph.

35 USC 112, second paragraph

The claims have been amended to overcome the various rejections by the Examiner under 35 USC 112, second paragraph. In particular,

Claim 3 has been amended to replace "in the wicketed pin area" with "below the filling chute". Also in claim 3, "the wicket pins", which appeared also not to have antecedent support has been changed to "any wicket pins".

Claim 4 has been amended to replace "back" with "bag".

Claim 8 has been amended to correct its dependency to thereby provide antecedent basis for the terms therein.

Claims 11, 13, 16 and 17 have been amended to provide antecedent basis for "the conveyor" referenced therein. It is believed that this now clarifies reference between "the filled bag conveyor" and "the conveyor".

Claim 15 has been amended to correct its dependency to thereby provide antecedent basis for the terms contained therein.

Claims 4, 6, 8, 9 and 13 have been amended to provide proper antecedent basis for the term "bag".

An amendment has been made in claims 19 to correct an obvious error therein.

All of the above-noted amendments were made to resolve 112 rejections or to correct obvious errors and were not made to overcome the prior art.

### 35 USC 102

Claims 1 to 6, 11 and 13 to 17 were rejected under 35 USC 102(b) as being anticipated by US Patent 5,442,898 of Gabree et al. Claim 1 has been amended to clarify that the bag gripper is operable to hold the bag without wicket pins also engaging the bag. Although Gabree et al appear to show bag grippers, these are disclosed by Gabree et al as being operable while the bag is engaged by wicket pins. As such, claim 1, as currently amended, and its dependent claims clearly differentiate over Gabree et al.

Claims 18, 19 and 23 were rejected under 35 USC 102(b) as being anticipated by US Patent 3,943,687 of Cerioni et al. Claim 18 has been amended to clarify that the means for maintaining the bag in an open configuration includes a "gripping device including a first jaw and a second jaw selected to grip one side panel". Since Cerioni does not disclose such a means, it is submitted that the 102 rejection of claim 18 and its dependent claims should be withdrawn.

### 35 USC 103

Claim 12 was rejected under 35 USC 103 as being unpatentable over Gabree et al in view of US Patent 4,253,292 of Lipes. However, Lipes adds nothing to Gabree that would render claim 1 obvious. Therefore, the rejection of claim 12 under 35 USC 103 should be withdrawn.

Claims 20 to 22 were rejected under 35 USC 103 as being patentable over Cerioni et al in view of Gabree et al or Lipes. Neither, Gabree et al nor Lipes teaches a bag handling mechanism for moving a bag from a holding area to a gripper for holding a bag. Thus, neither Gabree et al nor Lipes add anything that would render claim 18 or its dependent claims 20 to 22 obvious.

Favorable reconsideration is respectfully requested.

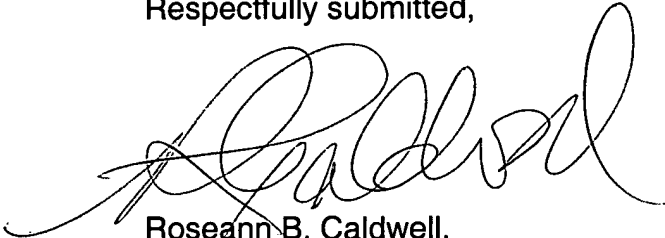
#### New Claims

With respect to new claims 24 to 27, these claims correspond to claims 7 to 10 since the Examiner indicated that claims 7 to 10 would be allowable if written in independent form.

#### Conclusions

Applicant submits that claims 1 to 22 and 24 to 27 are in a condition for allowance and such allowance is respectfully requested.

Respectfully submitted,



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